



ATTORNEY DOCKET NO.: EMP04-66  
**SMALL ENTITY**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Robert Curley and Eli Patashnik  
Serial No.: 09/740,804  
For: METHOD AND APPARATUS FOR PROVIDING MEASUREMENT  
AND UTILIZATION OF NETWORK LATENCY IN TRANSACTION-  
BASED PROTOCOLS  
Filing Date: December 21, 2000  
Examiner: Paul H. Kang  
Art Unit: 2141  
Conf. No.: 6420

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**Certificate of Mailing Under 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **MAIL STOP PETITION**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: February 15, 2005

By: Mary A. Maietta

(Typed or printed name of person mailing  
Document, whose signature appears below)

Signature: *Mary A. Maietta*

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**MAIL STOP PETITION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Enclosed is/are:

**BEST AVAILABLE COPY**

- 2 -

- [x] Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- [x] Revocation of Power of Attorney and Appointment of New Power of Attorney Form (1 page), Total Pages: 1;
- [x] Change of Correspondence Address Form (1 page), Total Pages: 1;
- [x] Petition to Withdraw Notice of Abandonment, Total Pages: 3;
- [x] Copy of Notice of Abandonment, Total Pages: 2;
- [x] Declaration of David W. Rouille, Esq., Total Pages: 3;
- [x] Copy of Amendment, Filed August 16, 2004; Total Pages: 19
- [x] Copy of returned postcards from U.S.P.T.O, dated August 18, 2004; Total Pages: 1;
- [x] Return Receipt Pre-paid Postcard (in duplicate), Total postcards: 2;
- [x] Authorization to charge Deposit Account No. 50-0901, if necessary.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



---

David W. Rouille, Esq.  
Attorney for Applicant  
USPTO Registration No.: 40,150  
CHAPIN & HUANG, L.L.C.  
Westborough Office Park  
1700 West Park Drive  
Westborough, Massachusetts 01581  
Telephone: (508) 366-9600  
Facsimile: (508) 616-9805

Attorney Docket No.: EMP04-66

Dated: February 15, 2005



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**MAIL STOP PETITION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT**

Under 37 C.F.R. §§ 1.8(b) and 1.181, applicant hereby petitions to have the Notice of Abandonment that was mailed on January 19, 2005 in connection with the above-captioned case withdrawn. A copy of the Notice is enclosed. According to the Notice, the application was abandoned for applicant's failure to reply to an Office Action that was mailed on May 20, 2004. However, as explained below, a reply was timely filed on August 16, 2004.

- 2 -

The undersigned, applicant's attorney of record, first became aware of the abandonment on February 8, 2005 upon receipt of the Notice of Abandonment and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 C.F.R. § 1.8(b)(1).

The following documents are submitted under 37 C.F.R. § 1.8(b)(2) as proof that a reply was timely filed on August 16, 2004.

1. A copy of the Amendment, including an executed certificate of mailing signed by Gail L. Hardy on August 16, 2004.
2. A copy of the return receipt postcard as stamped August 18, 2004 by the United States Patent and Trademark Office.

Also enclosed is an original signed declaration under 37 C.F.R. § 1.8(b)(3) by:

David W. Rouille, Esq., attesting on the basis of personal knowledge that the above documents were timely filed on August 16, 2004 and attesting on the basis of personal knowledge to the mail procedures in effect on August 16, 2004.

Applicant submits that the reply was timely filed and requests that the Notice of Abandonment be withdrawn.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

- 3 -

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



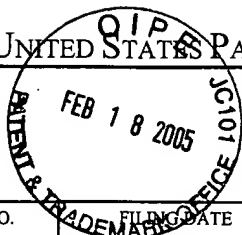
David W. Rouille, Esq.  
Attorney for Applicant  
USPTO Registration No.: 40,150  
CHAPIN & HUANG, L.L.C.  
Westborough Office Park  
1700 West Park Drive  
Westborough, Massachusetts 01581  
Telephone: (508) 366-9600  
Facsimile: (508) 616-9805

Attorney Docket No.: EMP04-66

Dated: February 15, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE



*Empir-ou6pus*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,804	12/21/2000	Robert Curley	2452-17	6420

7590 01/19/2005  
DAVID W. ROUILLE  
DALY, CROWLEY & MOFFORD, LLP  
275 TURNPIKE STREET  
SUITE 101  
CANTON, MA 02021-2310

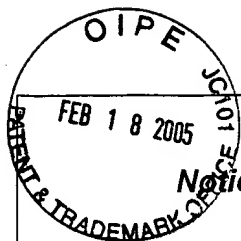
*Emp04-L66*

EXAMINER KANG, PAUL H	
ART UNIT 2141	PAPER NUMBER

DATE MAILED: 01/19/2005

 **COPY**

Please find below and/or attached an Office communication concerning this application or proceeding.



### Notice of Abandonment

Application No.

09/740,804

Examiner

Paul H Kang

Applicant(s)

CURLEY ET AL.

Art Unit

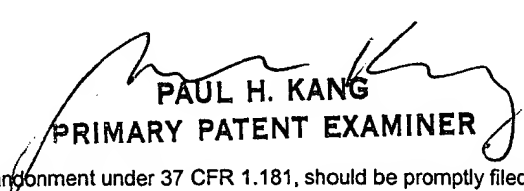
2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 20 May 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Examiner's attempts to reach David Rouille, Reg. No. 40,150, on January 6, 2005 were unsuccessful.

  
PAUL H. KANG  
PRIMARY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Parag Pruthi, Andrew Heybey, Thekkthalackal V. Kurien  
Serial No.: 09/740,804  
For: Apparatus and Method for Collecting and Analyzing Communications Data  
Filing Date: May 23, 2001  
Examiner: Sajid Yussuf  
Art Unit: 2141  
Conf. No.: 6420

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on:

Date: August 16, 2004

By: Gail L. Hardy  
(Typed or printed name of person mailing  
Document, whose signature appears below)

Signature: 

---

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[x] Amendment, Total Pages: 13;  
[x] Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2;  
[x] Authorization to charge Deposit Account No. 50-0901, if necessary.

	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee
Total Claims	32	- 36	= 0	X \$ 9.00	= \$ 0.00
Independent Claims	8	- 9	= 0	X \$42.00	= \$ 0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					= \$ 0.00

If the U.S. Patent and Trademark Office deems an additional fee necessary, this fee may be charged to the account of the undersigned, Deposit Account No. 50-0901.

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Respectfully submitted,



David W. Rouille, Esq.  
Attorney for Applicant(s)  
USPTO Registration No.: 40,150  
CHAPIN & HUANG, L.L.C.  
Westborough Office Park  
1700 West Park Drive  
Westborough, Massachusetts 01581  
Telephone: (508) 366-9600  
Facsimile: (508) 616-9805

Attorney Docket No.: EMP04-66

Dated: August 16, 2004



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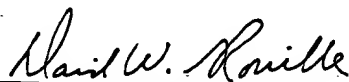
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	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee
Total Claims	32	- 36	= 0	X \$ 9.00	= \$ 0.00
Independent Claims	8	- 9	= 0	X \$42.00	= \$ 0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					= \$ 0.00

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